



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,425	02/25/2002	Richard L. Bulman	406134.110847	6742
29540	7590	08/06/2008		
DAY PITNEY LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER NGUYEN, PHU K	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 08/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/083,425

Applicant(s)

BULMAN ET AL.

Examiner

Phu K. Nguyen

Art Unit

2628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-94 is/are pending in the application.
- 4a) Of the above claim(s) 74-84, 92 and 94 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-73, 85-91, 93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14-22, 91, and 93 are rejected under 35 U.S.C. 102(e) as being anticipated by STRANDBERG (6,054,999).

As per claim 14, Strandberg teaches the claimed "system for providing a customized media stream," comprising:

"a plurality of media presentation sources for providing media presentation streams" (Strandberg, the record system 2; column 7, lines 51-61);

"first and second media streams from one or more of said media presentation sources for representing media presentations" (Standberg, the body movement and the head of the cartoon figure; column 8, lines 21-56);

"a media stream processor accessible to said first and second media streams and operable to derive reference information from said first and second media streams based on a selection criteria" (Standberg, the workstation 4 derives the combination of the cartoon's body movement an facial parts; column 9, line 61 to column 10, line 35);
and

"said reference information being usable to provide a combination of portions of said first and second media streams to form said customized media stream" (Strandberg, column 9, lines 29-50, column 11, lines 32-43).

Claims 91 and 93 claim a method and a memory storing a program to perform a method based on the system of claim 14; therefore, they are rejected under the same reason.

Claim 15 adds into claim 14 "said media stream processor can operate on said first and second media stream portions with said reference information to provide said combination" (Strandberg, the measuring points M1-M5 for the joints; column 11, lines 32-37).

Claim 16 add into claim 14 "said selection criteria is related to at least one of a reference point, a scaling factor, a rotation axis and a rotation degree" (Strandberg, the measuring points M1-M5 for the joints; column 11, lines 32-37).

Claim 17 adds into claim 14 "said selection criteria is related to at least one of a reference time point, a reference time length and a synchronization signal" (Strandberg, the body movements are generated through the combination of the body parts moving in a timing schedule; column 11, lines 1-3).

Claim 18 adds into claim 14 "said combination includes an overlay of said first media stream portion on said second media stream portion to form said customized media stream" (Strandberg, column 11, lines 32-43).

Claim 19 adds into claim 14 "external control information; and at least a portion of said selection criteria is derived from external control information" (Strandberg, the algorithm for mouth on the external memory 7; column 8, lines 18-20, line 65 to column 9, line 7).

Claim 20 adds into claim 14 "a transmission medium coupled to said media stream processor for transmitting at least one of said first and second media stream portions, said reference information and said combination" (Strandberg, column 8, lines 7-20).

Claim 21 adds into claim 20 "a user interface coupled to said transmission medium for receiving said at least one of said first and second media stream portions, said reference information and said combination" (Strandberg, Actor Generated Movement Info. 3, figure 1); and "a display coupled to said user interface for displaying said combination" (Strandberg, workstation 4).

Claim 22 adds into claim 21 "said media stream processor can operate on said first and second media stream portions with said reference information to provide said combination; and said media stream processor is operable to present said combination

Art Unit: 2628

to said transmission medium for transmission to said user interface for display"

(Strandberg, column 9, line 61 to column 10, line 63).

Claims 85-90 are similar to claims 14-44, and 46-73 and adds "a custom media presentation (claim 85), "audio information (claim 86) which Standberg teaches in Speech and facial expression (column 5, lines 35-54)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-73 and 85-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over STRANDBERG (6,054,999).

Claims 23-44 and 46-73 a into claim 14 the details of process which are widely known in the art and Applicant's disclosure does not provide any specific reason or advantage uses of these components; therefore, they are regarded as mere design choice for using these components according to their well known functions (official notice).

Claim 45 is similar to claim 14, but adds a network of computer systems which would have been obvious because Stransberg's workstation 4 is capable to connected to a network for a purpose of sharing the resources, which is well known in the art.

Claims 85-90 are similar to claims 14-44, and 46-73 and adds "a custom media presentation (claim 85), "audio information (claim 86) which Standberg teaches in Speech and facial expression (column 5, lines 35-54). It is noted that Standberg does not explicitly teach "background media presentation" as claimed. However, given Strandberg's combination of different portions of the cartoon figure, it would have been obvious to insert a background media on the cartoon representation for the purpose of forming a cartoon movie (Standberg, column 6, lines 31-53).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phu K. Nguyen/
Primary Examiner, Art Unit 2628